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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,081	03/10/1999	PAAVO NIEMITALO	490-007899-U	5293

7590 05/05/2005

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/266,081

Applicant(s)

NIEMITALO, PAAVO

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/16/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1-7*** are rejected under 35 U.S.C. 103(a) as being unpatentable over by Danial et al. (United States Patent 5,175,459), hereinafter referenced as Danial, in view of Legal Precedent (MPEP 2144.04.V.C.)

Regarding **claim 1**, Danial discloses a low profile vibratory alerting device. In addition, Danial disclose a device for generating a vibration to provide a signal to the user, the signal indicating incoming communications comprising: a housing having a compartment constructed therein to accommodate a vibration generating device; a stator mounted in the communicator housing having means to receive a rotor for rotation thereon about an axis; a plurality of windings mounted and circumferentially spaced on the stator, each of the windings having means to connect a voltage thereto; a rotor mounted for rotation on the stator, the rotor constructed of a permanently magnetized material, the rotor being further formed and mounted for magnetic coupling with the stator coils, the rotor constructed in the form of a substantially flat disc of less than a fully cylindrical shape to position its center of mass eccentric to the axis of rotation; a controller connected to a voltage source and constructed to sequentially supply a series of drive pulses to the stator windings by electrical commutation, so as

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impart rotation to the permanent magnet rotor; and wherein the stator or rotor are assembled in a compact operative relation and mounted within the compartment, as disclosed at column 4, line 1 through column 5, line 55 and exhibited in figure 3, however, Danial failed to disclose an enclosure for enclosing components and having a separate compartment. However, the examiner maintains that it was well known in the art to provide an enclosure for enclosing components and having a separate compartment, as taught by Legal Precedent.

Wherein legal precedent discloses that an invention is not patentable by merely making the components separable.

Regarding **claim 2**, Danial discloses everything claimed as applied above (see claim 1), in addition Danial discloses wherein the rotor is shaped in the form of a sector of a disc encompassing 180° or less, as disclosed at column 5, lines 1-38 and exhibited in figure 3.

Regarding **claim 3**, Danial discloses everything claimed as applied above (see claim 2), in addition Danial discloses wherein the rotor is constructed with a recess to allow close mechanical and magnetic cooperation with the stator, as disclosed at column 5, lines 38-55 and exhibited in figure 3.

Regarding **claim 5**, Danial discloses everything claimed as applied above (see claim 1), in addition Danial discloses wherein the controller is constructed as part of an integrated circuit control system for the communicator appliance, as disclosed at column 3, lines 4-27.

Regarding **claim 7**, Danial discloses everything claimed as applied above (see claim 1), in addition Danial discloses wherein the compartment for accommodating the vibration generating device is constructed in the housing at the furthest available position from the center of gravity of the appliance, as exhibited in figure 3.

2. **Claims 4 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Danial in view legal precedent and further in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, Danial discloses everything claimed as applied above (see claim 1), however, Danial fails to disclose wherein the windings comprise at least 100 turns of wire. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the windings comprise at least 100 turns of wire.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danial by specifically providing wherein the windings comprise at least 100 turns of wire, for the purpose of providing a magnetic field sufficient to allow notification of the user.

Regarding **claim 6**, Danial discloses everything claimed as applied above (see claim 1), however, Danial fails to disclose wherein the voltage source has a value of 3.6 volts or higher. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the voltage source has a value of 3.6 volts or higher.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danial by specifically providing wherein the

voltage source has a value of 3.6 volts or higher, for the purpose of providing sufficient energy to allow notification of the user.

***Allowable Subject Matter***

3. ***Claims 8 and 9*** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jefferey F Harold  
Examiner  
Art Unit 2644



JFH  
April 29, 2005